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December 24, 2002

WRITER'S DIRECT NUMBER: (202) 312-7271 **INTERNET ADDRESS:** vbeaston@skgf.com

Commissioner for Patents Washington, D.C. 20231

Re:

U.S. Utility Patent Application

Appl. No. 09/900,635; Filed: July 6, 2001

Automatic Turbogenerator Restarting System (as amended)

Inventors: Gilbreth et al.

Our Reference: 2066.0240001

(Capstone Ref. No. ∰81)

Sir:

Transmitted herewith for appropriate action are the following documents:

- 1. PTO Fee Transmittal (Form PTO/17/SB);
- 2. Form PTO-2038 Credit Card Payment Form;
- Petition To Withdraw from Issue Under 37 C.F.R. § 1.313(c)(2) For 3. Consideration Of A Request For Continued Examination;
- 4. Request for Continued Examination;
- 5. Information Disclosure Statement;
- 6. Form PTO-1449 accompanied by and listing three documents; and
- 7. One return postcard.

Sterne, Kessler, Goldstein & Fox Pllic.: 1100 New York Avenue, NW: Washington, DC 20005: 202.371.2600 f 202.371.2540: www.skgf.com

Commissioner for Patents December 24, 2002 Page 2

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Virgil L. Beaston

Attorney for Applicants Registration No. 47,415

Enclosures

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COMPANIED TO THE PARTY OF THE P IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Gilbreth et al.

Appl. No. 09/900,635

Filed: July 6, 2001

For:

Automatic Turbogenerator

Restarting System (as amended)

Confirmation No.: 8387

Art Unit: 2834

Examiner: Ponomarenko, N.

Atty. Docket: 2066.0240001

(Capstone Ref. No. 0381)

Information Disclosure Statement

Commissioner for Patents Washington, D.C. 20231

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

Applicants have checked the appropriate boxes below.

- □ 1. Statement under 37 C.F.R. 1.704(d). Each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty days prior to the filing of this information disclosure statement.
- □ 3. Filing under 37 C.F.R. § 1.97(c). This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection, or Notice of Allowance, or an action that otherwise closes prosecution in the application.
 - □ a. Statement under 37 C.F.R. § 1.97(e)(1). I hereby state that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).

- □ b. Statement under 37 C.F.R. § 1.97(e)(2). I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).
- □ c. Attached is our PTO-2038 Credit Card Payment Form [OR] Check No.
 ______ in the amount of \$ ______ in payment of the fee under 37
 C.F.R. § 1.17(p).
- □ 4. Filing under 37 C.F.R. § 1.97(d) This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the Issue Fee. Enclosed find our Check No. ______ in the amount of \$ _____ in payment of the fee under 37 C.F.R. § 1.17(p); in addition:
 - □ a. Statement under 37 C.F.R. § 1.97(e)(1). I hereby state that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).
 - □ b. Statement under 37 C.F.R. § 1.97(e)(2). I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).
- □ 5. The document(s) was/were cited in a search report by a foreign patent office in a counterpart foreign application. Submission of an English language version of the search report that indicates the degree of relevance found by the

foreign office is provided in satisfaction of the requirement for a concise explanation of relevance. 1138 OG 37, 38.

- □ 6. A concise explanation of the relevance of the non-English language document(s) appears below:
- □ 7. Copies of the documents were cited by or submitted to the Office in an IDS that complies with 37 C.F.R. § 1.98(a)-(c) in Application No. _______, filed ______, which is relied upon for an earlier filing date under 35 U.S.C. § 120. Thus, copies of these documents are not attached. 37 C.F.R. § 1.98(d).

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Virgil L. Beaston

Attorney for Applicants Registration No. 47,415

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Page 1 of 1 (Capstone Ref. No. 0381) ATTY. DOCKET NO. 2066.0240001 APPLICATION NO. 09/900,635 FORM PTO-1449 APPLICANTS

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					FILING DATE July 6, 2001		GROUP 2834			
				ט.נ	S. PATENT DOCUMENTS					
EXAMINER INITIAL			CUMENT MBER	DATE	NAME		CLASS	SUB- CLASS	FILING DATE	
	AA1	5,	791,868	08/1998	Bosley et al.					
	AB1	5,	903,116	05/1999	Geis et al.					
	AC1	6,	020,713	02/2000	Geis et al.					
	AD1	-								
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant. Draw